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 Counsel for Plaintiffs

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

Franklyn Ajaye, et al.

v.

Plaintiff(s)

Air New Zealand, Ltd., et al.

Defendant(s)

CASE NUMBER:  
 CV-07-5911 JSW

PROOF OF SERVICE  
 SUMMONS AND COMPLAINT

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):
  - a. ☒ summons ☒ complaint ☐ alias summons ☐ first amended complaint
  - ☐ second amended complaint
  - ☐ third amended complaint
  - ☒ other (specify): Order Setting Initial Case Mgt. Conf. & ADR Deadlines, Civil Standing Orders, Standing Order for All Judges of the No. Dist. of Calif., and ECF Reg. Info. Handout
2. Person served:
  - a. ☒ Defendant (name): Northwest Airlines Corporation
  - b. ☒ Other (specify name and title or relationship to the party/business named): Deb Van Ness, Authorized Agent  
 CT Corporation System, Inc.
  - c. ☒ Address where papers were served: 100 South 5<sup>th</sup> Street #1075, Minneapolis, Minnesota
3. Manner of Service in compliance with (the appropriate box must be checked):
  - a. ☒ Federal Rules of Civil Procedure
  - ☐ California Code of Civil Procedure
4. I served the person named in Item 2:
  - a. ☒ By Personal service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
    1. ☒ Papers were served on (date): December 26, 2007 at (time): 2:45 pm
  - b. ☐ By Substituted service. By leaving copies:
    1. ☐ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
    2. ☐ (business) or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers.
    3. ☐ Papers were served on (date): at (time):
    4. ☐ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
    5. ☐ papers were mailed on (date):
    6. ☐ due diligence: I made at least three (3) attempts to personally serve the defendant.

- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service**).
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. ☐ **Other** (specify code section and type of service): \_\_\_\_\_

5. Service upon the United States, and Its Agencies, Corporations or Officers.

- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.

Name of person served: \_\_\_\_\_

Title of person served: \_\_\_\_\_

Date and time of service: (date): \_\_\_\_\_ at (time): \_\_\_\_\_

- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (name, address and telephone number):

John Bauer

Major Legal

7455 France Avenue South, #272

Minneapolis, MN 55735

a. Fee for service: \$ 45

b. ☒ Not a registered California process server

c. ☐ Exempt from registration under B&P 22350(b)

d. ☐ Registered California process server

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: January 14, 2008

  
(Signature)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Franklyn Ajaye, Ming-Chun Wu Chen, Tzu-Chiao Chen,  
Rayna Rusenko, Titi Tran, Boris Zingerman, and Galina  
Zingerman, on behalf of themselves and all others similarly  
situated,

SUMMONS IN A CIVIL CASE

v.

CASE NUMBER:

Air New Zealand, Ltd., All Nippon Airways Co., Ltd., China  
Airlines, Ltd., EVA Airways Corporation, Japan Airlines  
Corporation, Northwest Airlines Corporation, Qantas  
Airways, Ltd., Singapore Airlines, Ltd., and Thai Airways  
International Public Company, Ltd.

JSW

07

5911

TO: (Name and address of defendant)

See Attachment A.

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Bruce L. Simon  
Esther L. Klisura  
PEARSON, SIMON, SOTER, WARSHAW & PENNY, LLP  
44 Montgomery Street, Suite 1200  
San Francisco, California 94104

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you,  
exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the  
complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

NOV 21 2007

Richard W. Wieking  
CLERK

DATE \_\_\_\_\_

Don L. Almon

(BY) DEPUTY CLERK

## RETURN OF SERVICE

Service of the Summons and Complaint was made by me<sup>1</sup>

DATE

DECEMBER 26, 2007

Name of SERVER

John Bauer

TITLE

PROCESS SERVER

Check one box below to indicate appropriate method of service

Served Personally upon the Defendant. Place where served:

CT. CORPORATION SYSTEM INC.

100 S. 5TH ST. #1075, MINNEAPOLIS, MN

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

Returned unexecuted:

Other (specify):

C/O DEB VAN NESS - AUTHORIZED AGENT

## STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

## DECLARATION OF SERVER

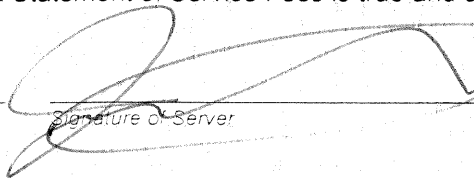
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

12.28.07

Signature of Server



7455 FRANCE AVE. S. #272, MINNEAPOLIS, MN 55435

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.